

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of
physical and mental health**

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, pursuant to Human Rights Council resolutions 26/12 and 24/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the rapidly rising number of killings by the police or hit-men in the context of an anti-drug campaign, and the various occasions in which Government's authorities have publicly incited law enforcement officials and the public at large to kill persons suspected of drug-related offenses and promised impunity for such abuses.**

According to the information received:

More than 850 people have been killed from 10 May 2016 (the day after Mr. Rodrigo Duterte won the country's presidential elections) to 11 August 2016 in the context of an intensified anti-drug campaign. 713 of the victims have been identified and 138 remain unidentified. Over 650 were killed in the last six weeks alone.. The killings have reportedly taken place in several parts of the country, including Manila, Bulacan, Cebu, Rizal, Abra, Bataan, Pangasinan and Cavite, and have been carried out by policemen or unidentified hit-men. The recent pattern of extrajudicial executions and unlawful killings are marked by a scale previously unseen.

During his election campaign and first days in office, Mr. Duterte repeatedly urged law enforcement agencies and the public at large to kill people suspected of dealing or trafficking drugs who don't surrender, as well as people who use drugs, as part of his pledge to end criminal activity within three to six months in the Philippines. In a nationally televised speech on 5 June, President elect Duterte stated that he would offer large rewards to those who turn in drug lords, dead or alive. In other statements, he said he would give security forces "shoot-to-kill" orders against organised criminals or those who resisted arrest. Since becoming President on 30 June, Mr. Duterte has repeated his promise to eradicate drug crime, calling on law enforcement agencies to double efforts and to "not stop until the last drug lord, last financier and last pusher have surrendered or put behind bars or below the ground if they so wish". He also called on people to kill drug-addicts, "as getting their parents to do it would be too painful".

In addition, President Duterte as well as the Philippine's Solicitor-General and the Chief of Police have assured law enforcement officers that they will be protected from prosecution for criminal offenses committed in the discharge of their anti-drug related duties, thereby implying impunity for extrajudicial killings.

Recent reports suggest that President Duterte is now publicly condemning vigilante justice.

We express grave concern at the rapidly rising number of killings by the police or hit-men. We are further concerned at the various occasions in which Government's authorities and the President himself have publicly incited law enforcement officials and the public at large to kill persons suspected of drug-related offenses, including people who use drugs, and promised impunity for such abuses.

In view of the urgency of the matter, we call on your Excellency's Government to adopt with immediate effect all necessary measures to protect all persons in the Philippines from killings and extrajudicial-executions and to ensure that their right to life and security of person is fully respected, including in the context of the anti-drugs campaign currently in force in the Philippines. In the event that the investigations confirm that the extrajudicial-killings were perpetrated, we urge you to hold those responsible fully accountable.

While we do not wish to prejudge the accuracy of these allegations, they indicate a prima facie violation of the right of every individual to life, security, and not to be arbitrarily deprived of his or her life, as set forth in articles 3 of the Universal Declaration of Human Rights (UDHR) and 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986. These allegations further appear to be in contravention of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as set forth in article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by the Philippines on 7 June 1974.

The Human Rights Committee in its General Comment 6, para. 3, has said that it considers article 6 (1) of the ICCPR to include that States parties should take measures to prevent and punish deprivation of life by criminal acts, and to prevent arbitrary killing by their own security forces. In addition, in its General Comment No. 31, the Committee stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by its agents and by private entities or persons. A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR. These obligations arise notably in respect of criminal acts under international law, such as summary and arbitrary killing.

We would like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. We urge your

Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles), in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

We also wish to draw your Excellency's Government's attention to relevant international principles and norms governing the use of force by law enforcement authorities. Under international law any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal. The Code of Conduct for Law Enforcement Officials, General Assembly resolution 34/169 of 17 December 1979 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990), though not binding, provide an authoritative interpretation of the limits on the conduct of law enforcement forces. According to these instruments, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. Law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. Force used must be proportionate to the legitimate objective to be achieved. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated. Medical assistance should be provided as soon as possible when necessary.

In addition, we would like to draw the attention of your Excellency's Government to article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the Philippines on 7 June 1974, which recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In this connection, we refer to reports A/65/255 and A/64/272 by the Special Rapporteur on the right to health which observe that drug dependence should be treated as a medical condition requiring appropriate, evidence-based treatment and that treating persons who use drugs as criminals is counterproductive from a right to health perspective. States should change legislation that supports criminalization of persons who use drugs and treat drug dependence like any other health-care condition. In this context, the Committee on Economic, Social and Cultural Rights has recognized that harm-reduction are a central part of national responses to illicit drug dependence and has made recommendations to various States Parties in this regards.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the gravity of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We therefore would be grateful for your observations on the following matters:

1. Please provide any additional information and comment which you may have on the above mentioned allegations.
2. Please provide the details, and where available the results, of any investigation carried out in relation to the allegations killings of civilians persons carried out between May and July 2016. If no investigations have taken place, or if they have been inconclusive, please explain why. Please provide the full details of any prosecutions that have been undertaken in this case.
3. Please provide information concerning the legal and policy grounds for the Government's particular approach to its anti-drug campaign and its compatibility with Philipino and international legal standards.
4. Please provide information regarding the the Philippine legal framework in relation to incitement to violence as per Article 20 of the ICCPR, and the details of any investigation carried out in relation to the calls on law enforcement officials, and the public at large, to use excessive force and violence.
5. Please provide information about all steps taken by the Government to ensure public health programmes to treat drug dependence as a public health issue, including the development of harm-reduction services.

We will publicly express our concerns regarding the large number of killings by police officials and hit-men, as we are of the view that the information upon which our press release will be based is sufficiently reliable to indicate a matter warranting immediate and public attention. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Dainius Pūras
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